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6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA
9 Plaintiff,
10 vs.
11 BENYIAHIA HEBBAR,
12 Defendant.

CASE NO.: 2:16-cr-00328-JCM-GWF

**STIPULATION TO CONTINUE
SENTENCING
(SECOND REQUEST)**

14 IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson, United States
15 Attorney, and Christopher Burton, counsel for the United States of America, and William Gamage,
16 counsel for BENYIAHIA HEBBAR that the sentencing currently scheduled for May 3, 2018 at 10:00
17 am before Judge Mahan be vacated and set to a date and time convenient to the Court but not earlier
18 than June 15, 2018.

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20 This Stipulation is entered into for the following reasons:

21 1. The Defendant is in custody and does not oppose the continuance.
22 2. Counsel is aware that Magistrate Judge Foley issued a Report and Recommendation
23 granting Defendant Hebbar's Motion to Withdraw Guilty Plea. The Objections are due on or before
24 May 10, 2018. As the Motion to Withdraw has been provisionally granted, a continuance is requested
25 to allow the Government time to Object to the Magistrate's report in accordance with the Court's rules if
26 they so wish. *See* Docket No. 93.

1 3. The additional time requested herein is not sought for purposes of delay, or to prejudice
2 any party but merely to allow counsel time for Government counsel to litigate issues related to the .

3 4. Denial of this request for continuance would deny counsel for the Government to have
4 any objections heard in accordance with this Court's rules.

5 5. This is the second stipulation to continue sentencing filed herein.

6 DATED THIS 2nd day of May, 2018

7 DATED THIS 2nd day of May 2018

8 Assistant United States Attorney,

9 GAMAGE & GAMAGE

10 /s/ Christopher Burton

11 /s/ William H. Gamage, Esq.

12 By: _____

13 CHRISTOPHER BURTON,
14 *Assistant United States Attorney*

15 WILLIAM H. GAMAGE, Esq.
16 *Counsel to BENYIAHIA HEBBAR*

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA
Plaintiff,
vs.
BENYIAHIA HEBBAR,
Defendant.

CASE NO.: 2:16-cr-00328-JCM-GWF

STIPULATION TO CONTINUE
SENTENCING
(SECOND REQUEST)

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The Defendant is in custody and does not oppose the continuance.
2. Counsel is aware that Magistrate Judge Foley issued a Report and Recommendation granting Defendant Hebar's Motion to Withdraw Guilty Plea. The Objections are due on or before May 10, 2018. As the Motion to Withdraw has been provisionally granted, a continuance is requested to allow the Government time to Object to the Magistrate's report in accordance with the Court's rules if they so wish. *See* Docket No. 93.

3. The additional time requested herein is not sought for purposes of delay, or to prejudice any party but merely to allow counsel time for Government counsel to litigate issues related to the .

4. Denial of this request for continuance would deny counsel for the Government to have any objections heard in accordance with this Court's rules.

5. This is the second stipulation to continue sentencing filed herein.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the sentencing in this matter.

CONCLUSIONS OF LAW

1. Denial of this request for a continuance would result in a miscarriage of justice.
2. For all the above-stated reasons, the ends of justice would best be served by a continuance of the sentencing date to on or after June 15, 2018, based upon the convenience of the Court.

ORDER

IT IS THEREFORE ORDERED that the SENTENCING hearing for Defendant Hebbar is set on the **18th day of June, 2018 at 10:30 a.m.**

DATED May 3, 2018.

John C. Mahan
UNITED STATES DISTRICT JUDGE